the electronic transfer of funds through financial institutions, vouchers, or other appropriate methods. Payments may also be made incrementally; through payment of a portion of the costs at different points in the training course. (WIA sec. 134(d)(4)(G).)

§ 663.420 Can the duration and amount of ITA's be limited?

- (a) Yes, the State or Local Board may impose limits on ITA's, such as limitations on the dollar amount and/or duration.
- (b) Limits to ITA's may be established in different ways:
- (1) There may be a limit for an individual participant that is based on the needs identified in the individual employment plan; or
- (2) There may be a policy decision by the State Board or Local Board to establish a range of amounts and/or a maximum amount applicable to all ITA's
- (c) Limitations established by State or Local Board policies must be described in the State or Local Plan, respectively, but should not be implemented in a manner that undermines the Act's requirement that training services are provided in a manner that maximizes customer choice in the selection of an eligible training provider. ITA limitations may provide for exceptions to the limitations in individual cases.
- (d) An individual may select training that costs more than the maximum amount available for ITAs under a State or local policy when other sources of funds are available to supplement the ITA. These other sources may include: Pell Grants; scholarships; severance pay; and other sources.

§ 663.430 Under what circumstances may mechanisms other than ITA's be used to provide training services?

- (a) Contracts for services may be used instead of ITA's only when one of the following three exceptions applies:
- (1) When the services provided are onthe-job training (OJT) or customized training;
- (2) When the Local Board determines that there are an insufficient number of eligible providers in the local area to

- accomplish the purpose of a system of ITA's. The Local Plan must describe the process to be used in selecting the providers under a contract for services. This process must include a public comment period for interested providers of at least 30 days;
- (3) When the Local Board determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization (CBO) or another private organization to serve special participant populations that face multiple barriers to employment, as described in paragraph (b) in this section. The Local Board must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the special participant population to be served. The criteria may include:
- (i) Financial stability of the organization:
- (ii) Demonstrated performance in the delivery of services to hard to serve participant populations through such means as program completion rate; attainment of the skills, certificates or degrees the program is designed to provide; placement after training in unsubsidized employment; and retention in employment; and
- (iii) How the specific program relates to the workforce investment needs identified in the local plan.
- (b) Under paragraph (a)(3) of this section, special participant populations that face multiple barriers to employment are populations of low-income individuals that are included in one or more of the following categories:
- (1) Individuals with substantial language or cultural barriers;
 - (2) Offenders;
 - (3) Homeless individuals; and
- (4) Other hard-to-serve populations as defined by the Governor.

§ 663.440 What are the requirements for consumer choice?

- (a) Training services, whether under ITA's or under contract, must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider.
- (b) Each Local Board, through the One-Stop center, must make available to customers the State list of eligible providers required in WIA section

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122(e). The list includes a description of the programs through which the providers may offer the training services, the information identifying eligible providers of on-the-job training and customized training required under WIA section 122(h) (where applicable), and the performance and cost information about eligible providers of training services described in WIA sections 122 (e) and (h).

(c) An individual who has been determined eligible for training services under §663.310 may select a provider described in paragraph (b) of this section after consultation with a case manager. Unless the program has exhausted training funds for the program year, the operator must refer the individual to the selected provider, and establish an ITA for the individual to pay for training. For purposes of this paragraph, a referral may be carried out by providing a voucher or certificate to the individual to obtain the training.

(d) The cost of referral of an individual with an ITA to a training provider is paid by the applicable adult or dislocated worker program under title I of WIA.

Subpart E—Eligible Training Providers

§ 663.500 What is the purpose of this subpart?

The workforce investment system established under WIA emphasizes informed customer choice, system performance, and continuous improvement. The eligible provider process is part of the strategy for achieving these goals. Local Boards, in partnership with the State, identify training providers and programs whose performance qualifies them to receive WIA funds to train adults and dislocated workers. In order to maximize customer choice and assure that all significant population groups are served, States and local areas should administer the eligible provider process in a manner to assure that significant numbers of competent providers, offering a wide variety of training programs and occupational choices, are available to customers. After receiving core and intensive services and in consultation with case managers, eligible participants who need training use the list of these eligible providers to make an informed choice. The ability of providers to successfully perform, the procedures State and Local Boards use to establish eligibility, and the degree to which information, including performance information, on those providers is made available to customers eligible for training services, are key factors affecting the successful implementation of the Statewide workforce investment system. This subpart describes the process for determining eligible training providers.

§ 663.505 What are eligible providers of training services?

- (a) Eligible providers of training services are described in WIA section 122. They are those entities eligible to receive WIA title I-B funds to provide training services to eligible adult and dislocated worker customers.
- (b) In order to provide training services under WIA title I-B, a provider must meet the requirements of this subpart and WIA section 122.
- (1) These requirements apply to the use of WIA title I adult and dislocated worker funds to provide training:
- (i) To individuals using ITA's to access training through the eligible provider list; and
- (ii) To individuals for training provided through the exceptions to ITA's described at §663.430 (a)(2) and (a)(3).
- (2) These requirements apply to all organizations providing training to adult and dislocated workers, including:
- (i) Postsecondary educational institutions providing a program described in WIA section 122(a)(2)(A)(ii);
- (ii) Entities that carry out programs under the National Apprenticeship Act (29 U.S.C. 50 *et seq.*);
- (iii) Other public or private providers of a program of training services described in WIA section 122(a)(2)(C);
- (iv) Local Boards, if they meet the conditions of WIA section 117(f)(1); and
- (v) Community-based organizations and other private organizations providing training under §663.430.
- (c) Provider eligibility procedures must be established by the Governor, as required by this subpart. Different